

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

CARLOS GARCIA,

Plaintiff,

v.

Civ. Action No.
9:21-CV-814 (GTS/ML)

ANDERSON, Correction Officer, Auburn
Correctional Facility; CARSON, Correction
Officer, Auburn Correctional Facility; and
FREDERICK, Correction Officer, Auburn
Correctional Facility,

Defendants.

ORDER

Carlos Gacia, #89-T-1556, plaintiff in the above-entitled action, has been directed to appear at the U.S. Courthouse and Federal Building, 445 Broadway, Albany, New York on Thursday, September 12, 2024 at 9:30 AM (proceeding starts at 10:00) for the purpose of attending an evidentiary hearing relative to the above entitled case. It appears that Carlos Garcia is presently incarcerated at the Upstate Correctional Facility located in Malone, New York. It is necessary that a Writ of *Habeas Corpus Ad Testificandum* be issued for the purpose of securing Carlos Garcia's presence at said proceeding. While New York State is required to advance

the costs of Garcia' transportation, these costs shall be repaid to the state from the monetary award, if any, recovered by Garcia at trial.

Accordingly, it is hereby

ORDERED, that the clerk of the court issue a Writ of *Habeas Corpus Ad Testificandum* directing the Superintendent of the Upstate Correctional Facility to deliver Carlos Garcia to the U.S. Courthouse and Federal Building, 445 Broadway, Albany, New York on **September 12, 2024, by 9:30 AM for an evidentiary hearing starting at 10:00 AM and any recessed date thereafter** (the proceeding is estimated to last one day); and it is further

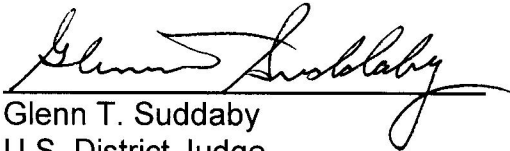
ORDERED, that Carlos Garcia may be returned to the State Facility upon the completion of the evidentiary hearing and is to remain subject to the confinement imposed upon him by the State of New York; and it is further

ORDERED, that New York State shall advance the cost of Carlos Garcia's transportation, which shall be repaid to the state from the monetary award, if any, recovered by Garcia at trial; and it is further

ORDERED, that an electronic certified copy of said Writ be delivered to the New York State Department of Corrections and Community Supervision, as well as the United States Marshal or his

authorized deputy, for service upon the named detention facilities stated herein to serve as notice to prepare Carlos Garcia for transport; and it is further

ORDERED, that in the event the action is settled prior to the evidentiary hearing, it shall be incumbent upon defendants or his/her authorized representative to notify the designated institution where Carlos Garcia is housed and cancel such Writ to produce.


Glenn T. Suddaby
U.S. District Judge

Dated: August 19, 2024
Syracuse, NY